

EXHIBIT 1



Entered on Docket
June 12, 2008

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA Commercial Mortgage Company,
USA Capital Realty Advisors, LLC,
USA Capital Diversified Trust Deed Fund, LLC,
USA Capital First Trust Deed Fund, LLC,¹
USA Securities, LLC,²
Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR¹
Case No. BK-S-06-10729-LBR²

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING THIRD
OMNIBUS OBJECTION OF USACM
TRUST TO PROOFS OF CLAIM
BASED, IN WHOLE OR IN PART,
UPON INVESTMENT IN THE PALM
SPRINGS MARQUIS HOTEL LOAN**

Hearing Date: June 9, 2008
Hearing Time: 9:30 a.m.

¹ This bankruptcy case was closed on October 12, 2007.

² This bankruptcy case was closed on December 26, 2007.

1 Pending before the Court is the USACM Liquidating Trust's Third Omnibus
2 Objection of USACM Trust to Proofs of Claim Based, in Whole or in Part, Upon
3 Investment in the Palm Springs Marquis Hotel Loan (the "Objection") [DE 6289].
4 Adequate notice of the Objection was given. The Court heard the Objection on June 9,
5 2008. No responses were filed to the Objection and no opposition was raised at the
6 hearing. Good cause appearing,

7 IT IS ORDERED:

- 8 • Sustaining the Objection;
- 9 • Disallowing the Proofs of Claim listed on Exhibit A attached to the extent they
10 are based upon an investment in the Palm Springs Marquis Hotel Loan. The
11 Proofs of Claim listed in Exhibit A are not affected by this order to the extent
12 they are based upon an investment in a loan(s) other than the Palm Springs
13 Marquis Hotel Loan; and
- 14 • Reserving the right of any party in interest, including the USACM Trust, to
15 further object to the Proofs of Claim listed on Exhibit A attached.

16 ###

17 PREPARED AND SUBMITTED:

18 **LEWIS AND ROCA LLP**

19 By: /s/ RC (#0006593)

20 Susan M. Freeman

21 Rob Charles

22 John Hinderaker

23 *Attorneys for USACM Liquidating Trust*

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CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of approval under LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in the case.
- ☒ No opposition was filed to the motion and no other party or counsel appeared at the hearing.
- ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who have appeared at the hearing, and any trustee appointed in the case, and each has approved or disapproved the order, or failed to respond, as indicated below:

LEWIS AND ROCA LLP

By: /s/ RC (#0006593)
Susan M. Freeman
Rob Charles
John Hinderaker
Attorneys for USACM Liquidating Trust

**MARQUIS HOTEL LOAN
THIRD OMNIBUS OBJECTION**

**EXHIBIT A
Multiple Loan Claims**

Claim	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment In the Marquis Hotel Loan
10725-02445	Ruth Acosta Wara LP	2546 General Armistead Avenue Norristown, PA 19403	\$56,467.05	Unclear
10725-00810	Ellen B. Adams	c/o Scott D. Fleming, Esq. Hale Lane Peek Dennison & Howard 3930 Howard Hughes Parkway, 4 th Floor Las Vegas, NV 89169	Unclear	Unclear
10725-02207	Daniel Barcia	1600 Picket Court Reno, NV 89521	\$225,000.00	\$50,000.00
10725-02397	William A. and Angel J. Banos	7431 Dorie Drive West Hills, CA 91307-5277	\$564,000.00	\$83,000.00
10725-01227	Nancy Brauer	2222 Albion Street Denver, CO 80207	\$75,000.00	\$50,000.00
10725-00546	Roger Bryan	Roger Marvin and Ann T. Bryan Family Trust Dated 8/19/92 1644 North Palo Verde Drive St. George, UT 84770	\$100,000.00	\$50,000.00
10725-02146	Casebolt Revocable Trust Dated 2/30/94	Josephine Casebolt Trustee 201 Ada Avenue, Apt. 46 Mountain View, CA 94043-4943	\$126,094.38	\$50,000.00
10725-02190	Colborn Revocable Living Trust Dated 8/6/90	Larry E. and Loretta A. Colborn Ttees 1127 Broken Wagon Trail Dewey, AZ 86327	\$244,204.06	\$50,000.00
10725-02038	Collins Family Trust Dated 1/29/93	c/o Shirley M. Collins Trustee 1975 Snowberry Court Carlsbad, CA 92009- 8408	\$880,190.24	\$50,000.00

MARQUIS HOTEL LOAN
THIRD OMNIBUS OBJECTION

EXHIBIT A
Multiple Loan Claims

Claim	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment In the Marquis Hotel Loan
10725-01892	Dalton Trust Dated 1/7/94	c/o Bert A. Stevenson Trustee 500 North Estrella Parkway, Suite B2-405 Goodyear, AZ 85338-4135	Unclear	Unclear